

# House Study Bill 153

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON JOCHUM)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to voter registration and voting systems  
2 performance standards.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1860YC 82  
5 sc/gg/14

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1 1 Section 1. Section 48A.8, subsection 2, unnumbered  
1 2 paragraph 1, Code 2007, is amended to read as follows:  
1 3 An eligible elector who registers by mail and who has not  
1 4 previously voted in an election for federal office in ~~the~~  
~~1 5 county of registration this state~~ shall be required to provide  
1 6 identification documents when voting for the first time in the  
1 7 county of registration, unless the registrant provided on the  
1 8 registration form the registrant's Iowa driver's license  
1 9 number, ~~or~~ the registrant's Iowa nonoperator's identification  
1 10 card number, or the last four numerals of the registrant's  
1 11 social security number and the driver's license, nonoperator's  
1 12 identification, or partial social security number matches an  
1 13 existing state or federal identification record with the same  
1 14 number, name, and date of birth. If the registrant under this  
1 15 subsection votes in person at the polls, or by absentee ballot  
1 16 at the commissioner's office or at a satellite voting station,  
1 17 the registrant shall provide a current and valid photo  
1 18 identification card, or shall present to the appropriate  
1 19 election official one of the following current documents that  
1 20 shows the name and address of the registrant:  
1 21 Sec. 2. Section 48A.11, subsection 8, Code 2007, is  
1 22 amended to read as follows:  
1 23 8. A voter registration application lacking the  
1 24 registrant's name, sex, date of birth, or residence address or  
1 25 description shall ~~not~~ be processed as an incomplete  
~~1 26 registration, and the registrant shall be notified pursuant to~~  
~~1 27 section 48A.26, subsection 3. A~~ If a voter registration  
1 28 application ~~lacking received by mail lacks~~ the registrant's  
1 29 Iowa driver's license number, Iowa nonoperator's  
1 30 identification card number, or the last four digits of the  
1 31 registrant's social security number, ~~it shall not~~ be processed  
1 32 as a pending registration. A registrant whose registration is  
~~1 33 not processed pursuant to this subsection shall be notified~~  
~~1 34 pursuant to section 48A.26, subsection 3. A registrant An~~  
~~1 35 eligible elector who registers in person and who does not have~~  
2 1 an Iowa driver's license number, an Iowa nonoperator's  
2 2 identification number, or a social security number, and who  
2 3 notifies the registrar of such, shall be assigned a unique  
2 4 identifying number that shall serve to identify the registrant  
2 5 for voter registration purposes. The commissioner shall enter  
~~2 6 the registration into the voter registration records as an~~  
~~2 7 active registration.~~  
2 8 Sec. 3. Section 48A.12, unnumbered paragraph 1, Code 2007,  
2 9 is amended to read as follows:  
2 10 The mail voter registration form prescribed by the federal  
2 11 election assistance commission shall be accepted for voter  
2 12 registration in Iowa if all required information is provided,  
2 13 if it is signed by the registrant, and if the form is timely  
2 14 received.  
2 15 Sec. 4. Section 48A.25A, unnumbered paragraphs 1 and 2,  
2 16 Code 2007, are amended to read as follows:  
2 17 Upon receipt of an application for voter registration ~~by~~  
~~2 18 mail, the state registrar of voters commissioner~~ shall compare

2 19 the Iowa driver's license number, the Iowa nonoperator's  
2 20 identification card number, or the last four numerals of the  
2 21 social security number provided by the registrant with the  
2 22 records of the state department of transportation or the  
2 23 social security administration. To be verified, the voter  
2 24 registration record shall contain the same name, date of  
2 25 birth, and Iowa driver's license number, or Iowa nonoperator's  
2 26 identification card number, or whole or partial social  
2 27 security number as the records of the state department of  
2 28 transportation or the social security administration. If the  
2 29 information cannot be verified, the application shall be  
2 30 rejected and the registrant shall be notified of the reason  
2 31 for the rejection. If the information can be verified, a  
2 32 record shall be made of the verification and the application  
2 33 shall be accepted.

2 34 The voter registration commission shall adopt rules in  
2 35 accordance with chapter 17A to provide procedures for  
3 1 processing registration applications if the state department  
3 2 of transportation or the social security administration does  
3 3 not, before the close of registration for an election for  
3 4 which the voter registration would be effective, if verified,  
3 5 provide a report that the information on the application has  
3 6 matched or not matched the records of the department or  
3 7 administration.

3 8 Sec. 5. Section 48A.26, subsection 4, Code 2007, is  
3 9 amended to read as follows:

3 10 4. If the registrant applied by mail to register to vote  
3 11 and did not answer either "yes" or "no" to the question in  
3 12 section 48A.11, subsection 3, paragraph "a", the application  
3 13 shall be processed, ~~but the registration shall be designated~~  
~~3 14 as valid only for elections that do not include candidates for~~  
~~3 15 federal offices on the ballot. The acknowledgment shall~~  
~~3 16 advise the applicant that the status of the registration is~~  
~~3 17 local and the reason for the registration being assigned local~~  
~~3 18 status. The commissioner shall send written notice to the~~  
~~3 19 applicant informing the applicant that the applicant did not~~  
3 20 mark either "yes" or "no" in response to the question about  
3 21 the applicant's citizenship. The notice shall advise the  
3 22 applicant that the applicant may complete the registration by  
3 23 submitting a new registration form before the date of the next  
3 24 general election. The commissioner shall enclose with the  
3 25 written notice a new registration by mail form for the  
3 26 applicant to use. If the original application is received  
~~3 27 during the twelve days before the close of registration for an~~  
~~3 28 election that includes candidates for federal offices on the~~  
~~3 29 ballot, the commissioner shall provide the registrant with an~~  
~~3 30 opportunity to complete the form before the close of~~  
~~3 31 registration. The commissioner shall enter the registration~~  
3 32 into the voter registration records as an active registration.

3 33 Sec. 6. Section 48A.37, subsection 2, Code 2007, is  
3 34 amended to read as follows:

3 35 2. Electronic records shall include a status code  
4 1 designating whether the records are active, inactive, ~~local,~~  
~~4 2 or pending, incomplete, or cancelled.~~ Inactive records are  
4 3 records of registered voters to whom notices have been sent  
4 4 pursuant to section 48A.28, subsection 3, and who have not  
4 5 returned the card or otherwise responded to the notice, and  
4 6 those records have been designated inactive pursuant to  
4 7 section 48A.29. ~~Local records are records of applicants who~~  
~~4 8 did not answer either "yes" or "no" to the question in section~~  
~~4 9 48A.11, subsection 3, paragraph "a". Pending records are~~  
4 10 records of applicants ~~whose applications have not been~~  
~~4 11 verified pursuant to section 48A.25A who registered by mail~~  
4 12 and who did not provide on the application the registrant's  
4 13 Iowa driver's license number, nonoperator's identification  
4 14 card number, or the last four numerals of the registrant's  
4 15 social security number. Incomplete records are records that  
4 16 could not be verified pursuant to section 48A.25A or that are  
4 17 missing required information. Cancelled records are records  
4 18 that have been cancelled pursuant to section 48A.30. All  
4 19 other records are active records. An inactive record shall be  
4 20 made active when the registered voter votes at an election,  
4 21 registers again, or reports a change of name, address,  
4 22 telephone number, or political party affiliation. A pending  
4 23 record shall be made active upon verification when the voter  
4 24 presents identification at the polls and votes. A local  
~~4 25 record shall be valid for any election for which no candidates~~  
~~4 26 for federal office appear on the ballot. A registrant with~~  
~~4 27 only a local record shall not vote in a federal election~~  
~~4 28 unless the registrant submits a new voter registration~~  
~~4 29 application before election day indicating that the applicant~~

4 30 ~~is a citizen of the United States.~~

4 31 Sec. 7. Section 52.5, unnumbered paragraph 2, Code 2007,  
4 32 is amended to read as follows:

4 33 The state commissioner shall formulate, with the advice and  
4 34 assistance of the examiners, and adopt rules governing the  
4 35 testing and examination of any voting machine or electronic  
5 1 voting system by the board of examiners. The rules shall  
5 2 prescribe the method to be used in determining whether the  
5 3 machine or system is suitable for use within the state and  
5 4 performance standards for voting equipment in use within the  
5 5 state. The rules shall provide that all electronic voting  
5 6 systems and voting machines approved for use by the examiners  
5 7 after April 9, 2003, shall meet voting systems performance and  
5 8 test standards, as adopted by the federal election commission  
5 9 on April 30, 2002, and as deemed adopted by Pub. L. No.  
5 10 107-252, section 222, or the voluntary voting system  
5 11 guidelines as adopted by the federal election assistance

5 12 commission on December 13, 2005. The rules shall include  
5 13 standards for determining when recertification is necessary  
5 14 following modifications to the equipment or to the programs  
5 15 used in tabulating votes, and a procedure for rescinding  
5 16 certification if a system or machine is found not to comply  
5 17 with performance standards adopted by the state commissioner.

5 18 EXPLANATION

5 19 This bill makes changes relating to voter registration and  
5 20 voting systems.

5 21 Current law provides that an eligible elector who registers  
5 22 by mail and who has not voted in an election for federal  
5 23 office in the county of registration must produce  
5 24 identification at the polls unless certain identification  
5 25 numbers are provided on the registration application and the  
5 26 number provided has been verified. The bill changes "county  
5 27 of registration" to "state". This change incorporates  
5 28 requirements of the Help America Vote Act which requires  
5 29 first-time voters within a state to show identification. The  
5 30 provision that required a first-time voter within a county to  
5 31 show identification does not apply in states that have  
5 32 statewide voter registration systems.

5 33 Code section 48A.11 is amended to provide that a voter  
5 34 registration application received by mail that does not have  
5 35 one of the required identification numbers shall be processed  
6 1 as a pending registration. Current law provides that such an  
6 2 application shall not be processed. A conforming amendment  
6 3 redefining pending registration records is made in Code  
6 4 section 48A.37. Section 48A.11 is also amended to specify  
6 5 that a registrant who applies in person at the commissioner's  
6 6 office and who does not have one of the required  
6 7 identification numbers shall be assigned a unique  
6 8 identification number by the commissioner.

6 9 Code section 48A.12, relating to federal mail voter  
6 10 registration forms, is amended to refer to the election  
6 11 assistance commission created by the Help America Vote Act,  
6 12 rather than to the federal election commission.

6 13 Code section 48A.25A is amended to provide that the county  
6 14 commissioner of registration, rather than the state registrar  
6 15 of voters, shall verify identification numbers included on  
6 16 voter registration applications. The Code section is also  
6 17 amended to allow the commissioner to verify social security  
6 18 numbers with the social security administration in addition to  
6 19 the state department of transportation.

6 20 Code section 48A.26 is amended to provide that a registrant  
6 21 who did not answer the question on the voter registration  
6 22 application relating to citizenship shall be notified by the  
6 23 commissioner of that fact, shall be advised that the  
6 24 registrant may complete another application before the date of  
6 25 the next general election, and shall be sent a new voter  
6 26 registration application. However, the registration based on  
6 27 the original application shall be entered in the voter  
6 28 registration records as an active registration for all  
6 29 purposes. Current law provides that until a new application  
6 30 is completed, the registration shall be entered as a local  
6 31 registration and the registrant may only vote in elections  
6 32 that do not have a federal office on the ballot.

6 33 Code section 48A.37 is amended to delete the reference to  
6 34 local registrations. The Code section is also amended to  
6 35 provide that a pending registration shall be made an active  
7 1 registration when the voter presents identification at the  
7 2 polls and votes. Code section 48A.37 is further amended to  
7 3 add incomplete registration records, which are defined as  
7 4 registrations in which the required identification number  
7 5 could not be verified or registrations which are lacking

7 6 required information, and cancelled registrations, which are  
7 7 those registrations cancelled pursuant to Code section 48A.30.  
7 8 Code section 52.5 is amended to provide that rules adopted  
7 9 by the state commissioner governing the testing and  
7 10 examination of voting machines and electronic voting systems  
7 11 shall require newly approved voting systems to meet standards  
7 12 adopted by the federal election commission or the voluntary  
7 13 guidelines adopted by the election assistance commission.  
7 14 Currently, the rules are required to be based on the standards  
7 15 adopted by the federal election commission.  
7 16 LSB 1860YC 82  
7 17 sc:nh/gg/14